**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: DELURGIO et al.

Attorney Docket No.: DT-0102

Application No.: 09/849,621

Examiner: Meinecke Diaz, Susanna M.

Filed: May 5, 2001

Group: 3623

Title: APPARATUS FOR MARCHANDISE
PROMOTION OPTIMIZATION

Confirmation No: 1510

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**Certificate of Mailing**I hereby certify that this correspondence is being
deposited with the United States Postal Service as First
Class Mail to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on January 5, 2006.**January 5, 2006**Signed: 

Kang S. Lim

Dear Sirs:

INFORMATION DISCLOSURE STATEMENT FILED**UNDER 37 C.F.R. §§ 1.56 AND 1.97(b)**

Pursuant to 37 C.F.R. § 1.56, Applicants bring the following documents to the Examiner's attention in the referenced application.

Citation of the above documents shall not be construed as an admission that the documents are necessarily prior art with respect to the referenced application. Furthermore, citation of the above documents shall not be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

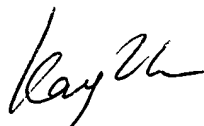
Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

- ___ 37 C.F.R. § 1.97(b). This Information Disclosure Statement is: (i) filed within three (3) months of the filing date of the above-referenced application, (ii) believed to be filed before the mailing date of a first Office Action on the merits or, (iii) believed to be filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement.
- X 37 C.F.R. § 1.97(c). This Information Disclosure Statement is filed after the period specified in C.F.R. § 1.97(b), but is believed to be filed before the mailing date of either (i) a final action under § 1.113 or, (ii) a notice of allowance under § 1.311.
- ___ A certification pursuant to 37 C.F.R. §1.97(e) or
- X A Credit Card Payment Form authorizing the amount of \$180.00 for the fee under 37 C.F.R. § 1.17(p).

If the Examiner has any questions or comments with respect to the present application, the Examiner is respectfully invited to telephone the undersigned at (925) 570 8198. The Commissioner is authorized to charge any additional fees that may be due to our Deposit Account No. 50-2766 (Order No. DT0102).

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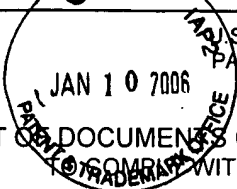
Respectfully submitted,



Kang S. Lim
Attorney for Applicant(s)
Reg. No. 37,491

CUSTOMER NO. 36088

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|  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF DOCUMENTS CITED BY APPLICANT IN COMPLIANCE WITH 37 C.F.R. 1.56 | ATTY. DOCKET NO. DT-0102 | SERIAL NO. 09/849,621 |
| | APPLICANT DELURGIO | |
| | FILING DATE 05/05/2001 | GROUP Unknown |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL* | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|----|--------------------|----------|-----------------|-------|----------|-------------------------------|
| | AA | 6,965,867 | 11/15/05 | Jameson | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
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| | BA | Barth, Brad, "Shopko Tests Automated Markdowns", WWD 10/04/00, pages 1-3. |
| | BB | Cook, Martie, "Optimizing Space and Sales with Markdown Software", Office.com, 05/31/2000, page 1. |
| | BC | "Essentus and Spotlight Solutions Partnership Delivers Precise Markdown Decisions", Business Wire, 04/17/00, 3 pages. |
| | BD | Melcer, Rachel, "Local Tech Firm Creates Retail Markdown Tool", Business Courier online, 03/24/00, pages 1-4. |
| | BE | Technology Strategy Incorporated, www.grossprofit.com , 03/02/00, pages 1-20. |
| | BF | Kadiyali et al., "Manufacturer-retailer Channel Interactions and Implications for Channel Power: An Investigation of Pricing in Local Market", Marketing Science, Spring 2000, V. 19, Issue 2. |
| | BG | Andrew B. Gelman et al., "Bayesian Data Analysis", pgs. 439-455, Chapman & Hall/CRC, First Edition 1995, Reprinted 2000. |
| | BH | Hillier, Frederick S., et al., "Introduction to Operations Research", McGraw-Hill, Inc., 1995, Sixth Edition, pages 1-14. |

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| EXAMINER | DATE CONSIDERED |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.